

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CONTEMPT PETITION NO.51 OF 2013

Kuresh s/o Rustom Kushesh)....Petitioner

V/s.

Farokh Khodadad Irani)....Respondent

Ms.Khushhboo Rupali a/w Ms.Poonam Gupta i/by S.K.Srivastav & Co. for the petitioner.

None for the respondent.

CORAM : K.R.SHRIRAM,J

DATE : 15.9.2017

P.C.:-

1 By an order dated 20.12.2007 read with order dated 7.1.2008 interim order in terms of prayer clause-(b) was granted.

Prayer clause-(b) reads as under :-

“That pending the hearing and final disposal of the above suit, the Defendants, their servants, agents and/or persons claiming through/under them be restrained by an order and injunction of this Hon'ble Court from selling, disposing, assigning, encumbering and/or creating third party interest or right in the assets and properties of the suit firm including from transferring, parting with possession inducting third party and/or surrendering the tenancy right in respect of the suit premises and/or from creating any liabilities upon the suit partnership firm in any manner whatsoever.”

2 Pursuant thereto the court receiver appointed respondent as his agent by an agency agreement dated 15.7.2008. Clause-13 of the agency agreement provided that respondent shall comply with all requisitions made by the Government of Maharashtra, their Municipality or any other public or local authorities or bodies relating

to the carrying on of the said business and to conduct the business in accordance with the existing rules, laws and regulations pertaining to the nature of business. According to the counsel for petitioner, respondent did not comply with the requirements of law and therefore, breached the agency agreement and thereby has committed contempt of the orders of this court.

3 In my view, if the respondent has not complied and thereby committed any breach of the agency agreement, the court receiver would have terminated the agency agreement and appointed some other party as an agent. I cannot accept that this will amount to contempt of court.

Petition dismissed.

(K.R.SHRIRAM,J)